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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
SHERRY FAVATA,

Plaintiff,

- against -

NATALIE GENCO and PV HOLDING CORP.,

Defendants.
-----X

S I R S :

PLEASE TAKE NOTICE, that the undersigned hereby removes this action to the United States District Court, Southern District of New York, United States Courthouse, 300 Quarropas Street, White Plains, New York, pursuant to Local Civil Rule 81.1 and 28 U.S.C. §§1331, 1332, 1441(a) and 1446(b), from the Supreme Court of the State of New York for Sullivan County, on the ground that this Court has original jurisdiction of the matter based upon Subchapter I of Chapter 301 of Title 49, United States Code §30106 and the "complete preemption doctrine" and on the diversity of citizenship of the parties, in that it is alleged the plaintiff Sherry Favata is a citizen of the State of New York and resides in Monticello, New York, that the defendant Natalie Genco is a citizen of the State of Texas and resides at 1104 John McCain, Colleyville, Texas and that the defendant PV Holding Corp. is a citizen of the

CIVIL ACTION
CASE NO.
08 Civ. 5259
JUDGE CONNER
U.S. DISTRICT COURT
S.D. OF N.Y.
JUN - 9 PM 12:35
FILED
NOTICE OF REMOVAL
SULLIVAN COUNTY
INDEX NO. 1458/08

State of Delaware and maintains its principal office at 300 Centre Pointe Drive, Virginia Beach, Virginia, and it is alleged that the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

The cause of action arises out of an accident occurring on July 27, 2007 in the County of Sullivan, State of New York. Copies of plaintiff's summons and complaint dated April 11, 2008 are annexed.

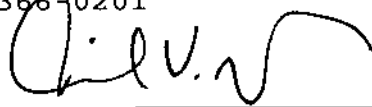
On or about April 15, 2008, plaintiff's summons and complaint was filed in Supreme Court of the State of New York, County of Sullivan. The defendant PV Holding Corp. received the summons and complaint on or about May 13, 2008. To date, it has not been served with the summons and complaint. The defendant Natalie Genco, it is alleged, was served with the summons and complaint on or about April 22, 2008. All defendants join in this notice. Based upon defendant PV Holding Corp.'s receipt, this notice is timely pursuant to 28 U.S.C. §1446(b).

Dated: Tarrytown, New York
June 6, 2008

Yours, etc.

REARDON & SCLAFANI, P.C.
Attorneys for Defendants
OFFICE & P.O. ADDRESS
220 White Plains Road, Suite 235
Tarrytown, New York 10591
(914) 366-0201

BY:


MICHAEL V. SCLAFANI (MS 9120)

**SUPREME COURT OF THE STATE OF
NEW YORK: COUNTY OF SULLIVAN**

-----X
SHERRY FAVATA,

Plaintiff(s),

-against-

NATALIE GENCO and PV HOLDING CORP.,

Defendant(s).
-----X

Index No. 1458/08
Date filed: 4/15/08


SUMMONS

Plaintiff designates Sullivan
County as Place of Trial.
The basis of venue is
plaintiff's residence. Plaintiff
resides at Monticello, New
York.

To the above named Defendant(s):

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

**Dated: Monticello, NY
April 11, 2008**



**Gary Waldman, Esq.
504 Broadway, P.O. Box 1493
Monticello, New York 12701
(845) 794-7500**

**SUPREME COURT OF THE STATE OF
NEW YORK: COUNTY OF SULLIVAN**

SHERRY FAVATA,

Plaintiff(s),

-against-

Index No. **1458/08**

Date filed: **4/15/08**

COMPLAINT

NATALIE GENCO and PV HOLDING CORP.,

Defendant(s).

**Plaintiff by her attorney, Gary Waldman, complaining of the defendants herein
alleges as follows:**

- 1. At all times herein plaintiff was and is a resident of the County of Sullivan and State of New York.**
- 2. At all times herein plaintiff was the owner and operator of a 1994 Mercury bearing New York State license plate number DVX8579.**
- 3. Upon information and belief, at all times herein, defendant Natalie Genco was the operator of a 2007 Dodge bearing New York State license plate number XO1KJM and was operating same with permission and consent of its owner PV Holding Corp.**
- 4. At all times herein, defendant PV Holding Corp was an is a foreign corporation authorized to do business in the State of New York.**
- 5. At all times herein, State Route 17 in the County of Sullivan and State of New York was and is a much traveled public highway.**
- 6. On July 27, 2007, at approximately 7:40pm the aforesaid motor vehicles owned by plaintiff and defendant PV Holding Corp came into contact on State Route 17 in the County of Sullivan and State of New York.**
- 7. The aforesaid accident and injuries resulting therefrom to the plaintiff were caused solely by the negligence of the defendants.**
- 8. As a result of the foregoing accident, plaintiff Sherry Favata has sustained "serious Injury" as defined under the Insurance Law.**
- 9. As a result of the foregoing, plaintiff has been damaged in a sum in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction.**